G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1907 - 08
(Miscellaneous)

File No. 407

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Prescribing the form of document to be executed by depositors who deposit amount for charitable purposes

PREVIOUS REFERENCES.	LATER REFERENCES.
Misc 194 - 06 Misc 284 - 06	

MUZRAI SECRETARIAT

OFFICE NOTE.

File No.

SUBJECT.

Deposit of Rs 70,100/- by Dharmaprava Sha Gubbi Thotadappa Setty for maintenance of the Chattrambuilt by him near the Rly Station, Bangalore City

From

The Comptroller to the Govt of Mysore

Letter No. 6198 / B&R 127 Dated 21st May 1908

The Comptroller forwards for approval of Government a draft of the form of agreement received with the Government Advocate's letter in regard to the documents to be executed by depositors under the rules published by Govt in Notification No. JL 4007 JL II 04-06 dated 12th February 1908, vide also

(17)

File No. of Muzrai Secretariat.

forwards for reference a copy of the old form hitherto in use

He states that pending approval to the draft now submitted he has instructed the Bangalore District Treasury to receive when presented, the deposit of Rs 70,100/- & has sent a copy of the instructions to Dharmaparwartha Gubbi Thotadappa Setty for information.

15/5/08

Muzrai Secretary's Remarks:-

The draft form of agreement seems appropriate and may be approved. I think it may be transferred to the Financial Department for approval and issue. 504 26-5-08

Submitted to the 2nd Commissioner

26/5/08

The draft form seems allright Please see my pencil underlining in para 3 The words 'said govt' seem superfluous - may be approved & issued in Financial branch 26/5/08

(2)

4640
180-06

Muzrai Secretariat | File No. of 190

C/o. 5257.D/27.5.1908.
Collections 1605 2
2 Office notes.

Forwarded, with the entire Muzrai file No 173 of 1892, to the Secretary to Govt, General and Revenue Depts, for issue of orders being issued from the Financial Branch.

By Order
R Ananta Lakshmi
Secty, Muzrai Dept

27/5/08

Govt Progs. of the 7th may 1908 passed in the Muzrai Dept, permitting the deposit of Rs 70100 in Govt Treasury - the charitable endowment of Subbi Tholadappa Shetty - was confirmed in the Financial Dept vide G.O. No 611 Gen Fin dtd 23rd May 1908.

~~In consonance to the~~ ~~communicated in~~ According to the principle C.W.C. & B. the Secretary's note

File No.	of 190	Muzrai Secretariat

GPB—3,000—25-9-07

4640

General and Revenue Secretariat. | File No. of 190

Serial No.

F. of 1906).

By the 24th April 1908; the document to be executed by the depositor does not seem to Concern the Financial Branch -

Submitted for orders

2/6 - The form of document now sent embodies Condition no 4 Contained in Govt notification no Fl 4007/Gen Fin 184-06 & 12/2/08. It may be sent to Br III for Scrutiny. No doubt the Govt advocate has supplied an important omission by adding "trustee" to the persons mentioned in condition no 4, who are bound not to demand the principal back, but it is a question whether the condition is legal as it ties down the trustee to a particular investment and does not permit him to vary it, however beneficial to the trust.

4/2

K

NOTE—Contn sheet.

MG-GPB- 10 600—19-5 04

Serial No.

The document seems to be all right, the words "the said fort" & in para 3 being placed before the words "(of) His Highness the Maharaja" so as to read "... I am called upon to execute in favour of the said fort of His Highness the Maharaja of Mysore an undertaking binding myself &c

Please consult Sr III also

The form of the document may be prescribed by an order issued in Sr II. Getting the document executed in each individual case will be done by the Sect Branch Concerned with the class of charity in q.n.

5/6/08
9/6

To Sr III
Jogis 162
Submitted for orders.
11/6/08

To Sr II. This file concerned with the fix of the Vth Schools may kindly be sent up.
15/6/08
15/6/08

The file has been attended and is submitted. It will be seen therefrom that it has been made one of the conditions of acceptance

H.Y (Narasimha)

Note—Contu sheet.

GPB—50 000—17-3-07

Serial No.

of a deposit for charity - that Govt should not be called to repay the same at any time. Hence the amendment proposed in the new form of agreement of a clause which appears in the old form ~~to that effect~~ empowering the depositor to invest the same with the ~~for~~ Consent of the Govt ~~Govt~~ Otherwise seems to be in consonance with the above Condition. It seems therefore that the new form may be adopted with the additions proposed by the Govt Advocate, which is intended for the exclusive benefit of the charity and with the modification suggested in Br II to Clause 3. Perhaps the words "my heirs, executors &" appearing in clause 4 may also be inserted after "myself" in clause 8 the said

Subject to orders

No 17/6/08 1) The transposition of the words in para 3 of the draft suggested by the Under Secretary ~~seems~~ seems necessary to improve the wording of that para -

2) The rule against perpetuities referred to by Br II is not applicable to ~~religious~~ property dedicated to religious and charitable

GPB—50 000—17-3-07

4640

Revenue retariat. | File No. of 190

Serial No.

uses -

3) In other respects, the draft form seems unobjectionable and may be approved.

Br II) 19.6.08 [illegible]

Submitted

21/6

22/6.

22/6

I have made a few verbal corrections in the form. To provide for a contingency where the original object of the deposit may have become impracticable or unnecessary & it may be desirable to divert the money to other approved purposes, I have qualified the prohibition against application of the interest to other purposes by the addition of the words "except with the previous assent and approval of the said Govt."

Dewan Rev 22/6

831/6 08 A good suggestion. may be approved

24 95ab 26/6/08

26/6/08

Note—Contn. sheet

GPB—50,000—5.247

venue

File No. of 190

Serial No.	
	Issue order approving the form as revised (to be attached to the order)
	May the draft order ~~issue~~ already put up issue now?

NOTE—Contn sheet.

GPB—50 000—17-3-07

Draft as per Dewani orders

Muzrai

Issue today
11/5/08

d. 11/5

To

The Comptroller to the
Govt of Mysore.

Sir,

No. 4943 D/M.S.08

Referring to para 3 of Govt. Pro. No 4900-2, (Muzrai), dated 7th May 1908, I am directed to ~~observe that the Govt, while~~ sanctioning the deposit in the Govt Treasury of the sum of Rs 70,000/- by Dharmapravarta ~~Da~~ Gubbi Nolambappa Setty of Bangalore, for certain charitable purposes, ~~the Comptroller to Govt was requested~~ and requested him to issue needful instructions to the Deputy Commissioner, Treasury Dept, Bangalore Dt., to receive the deposit and have the document duly executed by the depositor as required by Rule IV of Notification No ~~FL 4007~~ PL FL 184-06, dated 12th Feby 1908,

2. It is however observed

~~I observed~~
~~that that Rule requires that the~~
~~person wishing to make the deposit~~
~~should execute a document binding~~
~~binding his heirs, executors, administrators~~
~~or assigns not to demand at any~~
~~time the whole or any portion of the~~
~~principal of the sum deposited,~~
~~interest~~ ~~and that it does not place~~
~~a similar restriction on the depositor~~
~~himself. I am therefore~~ to request
that you will be so good as to issue
instructions at once to the Bangalore
Dt. Deputy Comm.r, Treasury Deptt,
to have the condition that the depositor, his heirs, Executors, administrators or assigns
shall not be entitled to withdraw
the money at any time, ~~also~~ inserted
in the ~~form of the~~ agreement.

3. The favor of a report as to the action
taken in the matter is requested.

I have &c,

(Devaiserden) 11/5/08

Secretary

No 4914/11-9

Copies is forwarded to the Dy Comm.r
~~Treasury~~ Bangalore - D.o in confn of G.O. Pro:
No. 4900-2 of 7th Nov 1908.

(2)

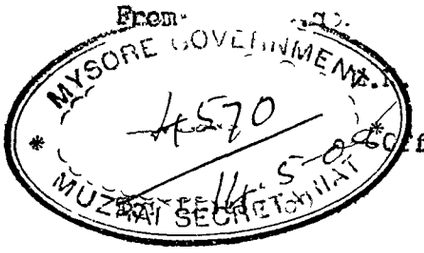
Office of the Comptroller, Mysore Government,

Dated Bangalore, the 13 May 1908.

From

M.N. Krishna Rao, Esq.,

Offg. Comptroller, Mysore Government.



The Government Advocate

in Mysore, Bangalore.

Sir,

I have the honour to state that the Government of Mysore have, in their order No. 4007-G1.Fin. 184-08 dated 12th February 1908, sanctioned some changes in the rules (The new rules are published on page 105 of the Mysore Gazette, Part I dated 20th February 1908 and a copy of the old rules is enclosed for reference and return) regulating the receipt by them of deposits on behalf of Benevolent, Charitable or Educational Institution &c. and the form of agreement accepted as amend-ed by your predecessor (please see your office letter No. 74 dated 25th February 1895) has to be altered in accordance with the new rules. I send a form of the old agreement and also a copy of a communication from the Secretary to Government, Muzrai Department, directing the insertion in the agreement of the condition 'that the depositor, his heirs, Executors, Administrators or assigns shall not be entitled to withdraw the money at any time', and requests that you will be so good as to make the needful alteration and return the form to me.

The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ M.N. Krishna Rao,

Offg. Comptroller.

Rep. & submit-
Copy forwarded to the Secretary to Government, Muzrai Deptt.,

for information with reference to his letter No. 4943 dated 1

1908. As soon as the form is returned revised by the Government Adv
instructions
~~intimation~~ will be issued to the Deputy Commissioner.

Offg. Comptroller.

No. 6198 Enc. (3) (1)
B&R/1271

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 21st May 1908.

MYSORE GOVERNMENT 4734 22-5-08 MUZRAI SECTION

FROM

M.N. Krishna Rao, Esq.,

COMPTROLLER, MYSORE GOVERNMENT.

To

L. Anantasami Rao, Esq., B.A.,

SECRETARY TO THE GOVERNMENT OF MYSORE,

MUZRAI DEPARTMENT.

Refer

Please continue note for orders soon

21/5/08

SIR,

In continuation of my No. 6031/B & R.1251 dated the 13th May 1908, I have the honour to forward herewith for approval of Government a draft of the form of agreement received with the Government Advocate's letter No. 264 dated the 18th May 1908 (copy of which is enclosed), in regard to the documents to be executed by depositors under the rules published by Government in Notification No. Fl.4007/Genl.Fl. 184-06, dated the 12th February 1908. I also enclose for reference a copy of the old form hitherto in use.

Pending approval to the draft now submitted, I have this day instructed the Bangalore District Treasury to receive, when presented, the deposit of Rs. 70,100/- in accordance with Government Order No. 4900-2/Muz. dated 7th instant, and have sent a copy of the instructions to Dharmapravartha Gubbi Thotadappa Setty for information.

I have the honour to be,

Sir,

Your most obedient servant,

M.N. Krishna Rao

Offg. Comptroller.

T.G.S.

_____Dep

190

From

U. L. MAJUMDAR, Esq..
Comptroller, Mysore Govt.

To

_____Esq.,
Secretary to the Govt. of Mysore,
_____Dept.

Dated

Despatched

Received

No._____

Subject Matter.

GTB—60X—20 11 07

Letter No. 264 dated the 18th May 1908
Encl. one

from the Government Advocate in Mysore
to the Officiating Comptroller.

In reply to your letter No 6030 dated the 13th May 1908, I have the honor to enclose a draft agreement which embodies the alterations in the form of the document hitherto in use rendered necessary by the recent alteration in the rules for charitable investments.

It will be noticed that I have introduced a clause about the exclusive application of the amount of interest payable by the Government for the object named. This, I venture to say, is nothing new, but only renders explicit what is implied in the Government notification.

"Copy"

C Balakrishnan
Assistant Superintendent
Rev. S

Draft of New Form.

WHEREAS the Government of His Highness the Maharaja of Mysore have in their Proceedings No.....Dated agreed to accept the deposit of Rupees ( ) made by me, ...for the purpose of securing a permanent income for the ~~charity~~ namely,

.....

AND WHEREAS the said Government of His Highness the Maharaja of Mysore have agreed to pay interest on the said deposit at the rate of per centum per annum to be used for the said ~~purpose~~ alone.

AND WHEREAS, under the rules framed in their notification No. Fl. 400& Genl. Finl. 184-06 dated 12th February 1908 by the said Government in this behalf, I am called upon to execute in favour of ~~His Highness the Maharaja of Mysore~~ an undertaking ~~the said Government~~ binding myself to observe the conditions laid down.

Now these presents witness that I the said.....do hereby undertake and bind myself my heirs, executors and administrators, trustees and assigns not to withdraw or demand the return of the said deposit amount of Rs.....at any time whatsoever and that I do further undertake and bind myself, my heirs, executors, administrators, trustees and assigns not to use or apply the interest payable on the said amount of deposit by the Government of Mysore for any ~~other~~ purpose other than the object named above.

In witness thereof I the said .....do hereunto set my hand and signature this day of 190

In the presence of Signature.

1.

2.

Whereas the Government of His Highness the Maharaja of Mysore have agreed to accept the deposit of _____ Rupees (Rupees only) made by me, _____

_____

in support of and to perpetuate the charity described as follows.—namely a charity to

_____

_____

And whereas, in order to secure a permanent income for the said charity, the said Government have agreed to pay interest on the said deposit at the rate of per centum per annum :

And whereas, under the rules enacted by the said Government in this behalf, I am called upon to execute to the said Government a document binding myself to observe the conditions prescribed ;

Now I, the aforesaid _____

do make known to all men by these presents that I do hereby bind myself, my heirs, executors, administrators and assigns, not to demand at any time from the Government of His Highness the Maharaja of Mysore, the whole or any portion of the principal sum of the said deposit of _____ Rupees ; and I do hereby further bind myself, my heirs, executors, administrators and assigns, not to with draw the said deposit or any portion thereof except with the previous consent of the said Government and except for the purpose of investing the whole of the said deposit in any other manner for the sole benefit of the charity aforesaid.

In witness hereof signed and sealed by me this the day of

_____ in the year 18

In the presence of witnesses,

1

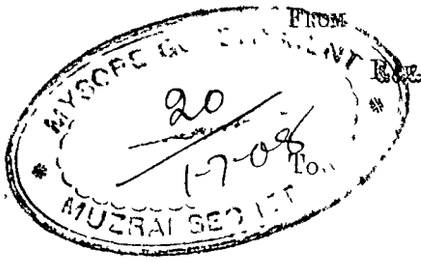
2.

Signature of Executant.

No. 7 1 / B&R 1422.

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT.

Dated Bangalore, the 30th June *190* 8.



FROM

M.N. Krishna Rao, Esq.,

Offg COMPTROLLER, MYSORE GOVERNMENT.

To,

L. Anantasami Rao, Esq., B.A.,

SECRETARY TO THE GOVERNMENT OF MYSORE,

MUZRAI DEPARTMENT.

Sir, please
note & information
1/7/08
30/6/08

In continuation of my letter No. 6198/B & R.1271 dated 21st May 1908, I have the honour to intimate that Dharmapravartha Gubbi Thotadappa Chetty of Bangalore deposited the sum of Rs(70,100) seventy thousand one hundred only in the Bangalore District Treasury on 4th June 1908.

2. Arrangements for the payment of the half yearly interes to Dharmapravartha Gubbi Thotadappa Chetty will be made after the form of the agreement is approved by Government and after the .. partyhas executed the same.

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Comptroller.

T.G.S.

From

Rai N. G. Basu Bahadur, M.A.,
Comptroller, Mysore Govt.

To

Esq.,

Secretary to the Govt. of Mysore,

Dept.

Dated

Despatched

Received

No.

Subject Matter.

R. 57. 28]

File No./84-06
Serial No.

Diary No. of letter replied to 4640

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(G.T.)

READ—

, *the* 190

Date of issue

Signed by

ORDER ~~proposed~~.—No. H/168-208 dt 11-7-08

The form of document to be executed by ~~the~~ depositors ~~referred to in~~ under para 4 of the G.O. No. PC 4007 Genl 84-06 & the 12th Feb 1908 shall be as noted ~~hereunder~~ over

SUBJECT Proceedings

CSB 27/6
for Secretary

To All Heads of Depts.

GPB—10,000—10-4-06

Clear Fair draft Form

WHEREAS the GOVERNMENT of His Highness the Maharaja of Mysore have in their Proceedings No. dated agreed to accept the deposit of Rupees ( ) made by me,---.. .... for the purpose of securing a permanent income for the object described below namely,

....

AND WHEREAS the said Government have agreed to pay interest on the said deposit at the rate of per centum per annum the amount of interest to be used exclusively for the said object.

AND WHEREAS, under the rules framed in Government Notification No.Fl.4007 Genl. Finl. 184-06 dated 12th February 1908 in this behalf, I am called upon to execute in favour of the said Government an undertaking binding myself, my heirs, executors, administrators, trustees and assigns to observe the conditions laid down.

Now these presents witness that I the said .... do hereby undertake and bind myself, my heirs, executors and administrators, trustees and assigns not to withdraw or demand the return of the said deposit amount of Rs. ... . at any time whatsoever nd that I do further undertake and bind myself, my heirs, executors, administrators, trustees and assigns not to use or apply the interest payable on the said amount of deposit by the Government of His Highness the Maharaja of Mysore for any purpose other than the object named above, except with the previous assent and approval of the said Government.

In witness thereof I the said do hereunto set my hand and signature this day of 190 .

In the presence of

S i g n a t u r e.

1.

2.

Proceedings of the Government of His Highness the Maharaja of Mysore.

O r d e r N o.

Dated Bangalore July 1909.

The form of document to be executed by Depositors under para 4 of the Government Order No.Fl.4007/G.F.184-06 dated the 12th February 1908 as modified in Government ~~Order~~ Notification No. .... shall be as noted hereunder:-

for Financial Secretary to Government

To

The Comptroller, Mysore Government.
Head of Departments.
" Deputy Commissioners of Districts.

--------0000000--------

Whereas the Government of His Highness the Maharaja of Mysore have in their Proceedings No.
dated agreed to accept the deposit of
Rupees ( ) made by me,
for the purpose of securing a permanent income for the object described below namely:-

... ...
... ...
... ...

And whereas the said Government have agreed to pay on the

said deposit interest payable half yearly at four per centum per annum or at such other rate as shall exceed by ½% the rate of interest allowed by the Government of India on their securities.

And whereas, under the rules framed in Government Notification No.Fl.4007-Genl. Fin. 184-06 dated the 12th February 1908, in this behalf, I am called upon to execute in favour of the said Government an undertaking binding myself, my heirs, executors, administrators, trustess and assigns to observe the conditions laid down.

Now these presents witness that I the said

~~I the said~~ ... ...

.. ..

do hereby undertake and bind myself, my heirs, executors, administrators, trustees and assigns not to withdraw or demand the return of the whole or any part of the said deposit amount of Rs. at any time whatsoever and that I do further undertake and bind myself, my heirs, executors, administrators, trustees and assigns (1) not to use or apply the interest payable on the said amount of deposit by the Government of His Highness the Maharaja of Mysore for any purpose other than the object named above, except with the previous assent and approval of the said Government.

(2) To keep and maintain in such form as the Government may from time to time prescribe a true and correct account of the expenditure of the interest drawn which account shall be open to the inspection of the officer or officers that may be deputed by Government for the purpose from time to time.

(3) To allow the Government to with-hold the payment of interest whenever it is found in their opinion that the whole or any part of the interest is not used for the benefit

benefit of the institution named, unless and until a scheme of management has been submitted to the satisfaction of Government by me, my heirs, executors or administrators trustees or assigns; and

(4) To submit to Government at the end of each Calendar year a report on the administration of the charity together with an abstract of accounts in such form and with such details as the Government may from time to time prescribe.

In witness thereof I the said .. .. ..
... ...
do hereunto set my hand and signature this
day of 190

In the presence of

1.

2.

Signature.

Proceedings of the Government of His Highness the Maharaja of Mysore, Financial (General Finance), dated 11th July 1908.

No. Fl. 168-208—Gl. Fin. 184-06, dated Bangalore, 11th July 1908.

Order.—The form of document to be executed by Depositors under para 4 of the Government Order No. Fl. 4007—Gen. Fin. 184-06, dated the 12th February 1908, shall be as noted hereunder.

J. S. CHAKRAVARTI,
Financial Secretary to Government.

To—All Heads of Departments.

Whereas the Government of His Highness the Maharaja of Mysore have in their Proceedings No. dated agreed to accept the deposit of rupees ( ) made by me, for the purpose of securing a permanent income for the object described below namely. . .....
.....

And whereas the said Government have agreed to pay interest on the said deposit at the rate of per centem per annum the amount of interest to be used exclusively for the said object.

And whereas, under the rules framed in Government Notification No. Fl. 4007—Genl. Finl. 184-06, dated 12th February 1908, in this behalf, I am called upon to execute in favour of the said Government an undertaking binding myself, my heirs, executors, administrators, trustees and assigns to observe the conditions laid down.

Now these presents witness that I the said.....
..... do hereby undertake and bind myself, my heirs, executors, administrators, trustees and assigns not to withdraw or demand the return of the said deposit amount of Rs. at any time whatsoever and that I do further undertake and bind myself, my heirs, executors, administrators, trustees and assigns not to use or apply the interest payable on the said amount of deposit by the Government of His Highness the Maharaja of Mysore for any purpose other than the object named above, except with the previous assent and approval of the said Government.

In witness thereof I the said do hereunto set my hand and signature this day of 190

In the presence of

Signature.

1.

2.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

FINANCIAL
(GENERAL FINANCE)

PROCEEDINGS

Dated 11th July 1908

No. Fl. 168-208
G. F. 184-06

Prescribing the form of document to be executed by Depositors under para 4 of the Government Order No. Fl. 4007—G. F. 184-06, dated 12th February 1908.

GPB—4 6-08—400